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ATTORNEYS FOR DEFENDANTS

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

BAYKEEPER, HUMBOLDT
BAYKEEPER, ECOLOGICAL RIGHTS
FOUNDATION, and COMMUNITIES FOR
A BETTER ENVIRONMENT,

Plaintiffs,

v.

UNITED STATES ENVIRONMENTAL
PROTECTION AGENCY, STEPHEN L.
JOHNSON, as Administrator of the United
States Environmental Protection Agency,
WAYNE NASTRI, as Regional
Administrator of the United States
Environmental Protection Agency, Region 9,

Defendants.

Case No. C 06-5611 CRB

JOINT STIPULATION

1 Plaintiffs Baykeeper, Humboldt Baykeeper, Ecological Rights Foundation, and
2 Communities for a Better Environment and Defendants Stephen L. Johnson, Administrator of the
3 United States Environmental Protection Agency; and Wayne Nastri, Regional Administrator,
4 EPA Region IX, and the United States Environmental Protection Agency (collectively "EPA")
5 hereby file this joint stipulation:

6 WHEREAS, pursuant to stipulation of the Parties, the Court by Order dated December 6,
7 2006 established a briefing schedule on the Plaintiffs' currently pending Motion for Summary
8 Judgment, Defendants' currently pending Counter-Motion for Summary Judgment, and
9 Plaintiffs' to be filed Motion for Leave to File a Second Amended Complaint.

10 WHEREAS, pursuant to stipulation of the Parties, the Court by Order dated January 9,
11 2007 stayed all further litigation until March 16, 2007 and vacated all pending deadlines in this
12 case to allow time for settlement discussions.

13 WHEREAS, the parties have been engaged in active settlement discussion since last fall.
14 The parties have exchanged several versions of written settlement proposals and met in person
15 on October 19, 2006 and again on December 14, 2006 to discuss settlement of this case. The
16 parties continue to have settlement discussions and are scheduled to attend a mediation on March
17 22, 2007 to further discuss the possibility of settlement as part this Court's required ADR
18 mediation process.

19 NOW, THEREFORE, the parties have agreed and request that the Court issue an order as
20 follows:

21 1. This stipulation shall serve in lieu of the status report referred to in this Court's
22 January 9, 2007 order;

23 2. The parties shall submit a joint status report no later than April 11, 2007
24 informing the Court as to the progress of settlement discussions in light of the March 22, 2007
25 mediation session and recommendations regarding how this case should proceed.

Respectfully submitted,

Dated: March 16, 2007

FOR PLAINTIFFS:

/s/ Christopher Sproul
CHRISTOPHER SPROUL
Environmental Advocates
5135 Anza Street
San Francisco, CA 94121

FOR DEFENDANTS:

SCOTT N. SCHOOLS
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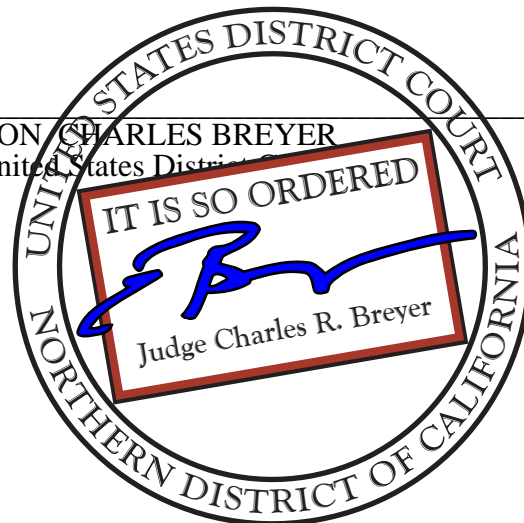
MATTHEW J. MCKEOWN
Acting Assistant Attorney General
Environment & Natural Resources Division

/s/ Lily N. Chinn^{1/}
LILY N. CHINN
Trial Attorney
United States Department of Justice
Environmental Defense Section
P.O. Box 23986
Washington, D.C. 20026-3986

It is so ordered.

DATED: March 20, 2007

HON. CHARLES BREYER
United States District Court



^{1/} As the filing attorney, I, Lily N. Chinn, attest that Plaintiffs' attorney, Christopher Sproul, finds the contents of this filed document acceptable and has given me permission to electronically file this stipulated motion on his behalf.

CERTIFICATE OF SERVICE

On March 16, 2007, a true and correct copy of the foregoing joint status report was served electronically via the Court's e-filing system to Counsel of Record.

/s/ Lily N. Chinn
LILY N. CHINN